

ANNEX II
EXPLANATORY NOTES

1. The Schedule of a Party to this Annex sets out, pursuant to Articles 11.12 (Non-Conforming Measures) and 12.6 (Non-Conforming Measures), the specific sectors, subsectors, or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
- (a) Article 11.3 (National Treatment) or 12.2 (National Treatment);
 - (b) Article 11.4 (Most-Favored-Nation Treatment) or 12.3 (Most-Favored-Nation Treatment);
 - (c) Article 12.5 (Local Presence);
 - (d) Article 11.8 (Performance Requirements);
 - (e) Article 11.9 (Senior Management and Boards of Directors); or
 - (f) Article 12.4 (Market Access).
2. Each Schedule entry sets out the following elements:
- (a) **Sector** refers to the sector for which the entry is made;
 - (b) **Obligations Concerned** specifies the article(s) referred to in paragraph 1 that, pursuant to Articles 11.12.2 (Non-Conforming Measures) and 12.6.2 (Non-Conforming Measures), do not apply to the sectors, subsectors, or activities scheduled in the entry;
 - (c) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry; and
 - (d) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sectors, subsectors, or activities covered by the entry.
3. In accordance with Articles 11.12.2 (Non-Conforming Measures) and 12.6.2 (Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the sectors, subsectors, and activities identified in the **Description** element of that entry.
4. For Korea, **foreign person** means a foreign national or an enterprise organized under the

附件二 解释性说明

1. 本附件缔约方的承诺表根据第11.12条（不符措施）和第12.6条（不符措施），列明了该缔约方可维持现行、或采取新的或更具限制性的不符措施的特定部门、分部门或活动，这些措施不符合以下条款规定的义务：
- (a) 第11.3条（国民待遇）或第12.2条（国民待遇）；(b) 第11.4条（最惠国待遇）或第12.3条（最惠国待遇）；(c) 第12.5条（当地存在）；(d) 第11.8条（业绩要求）；(e) 第11.9条（高级管理层和董事会）；或(f) 第12.4条（市场准入）。
2. 每个承诺表条目包含以下要素：
- (a) 部门指条目所涉的部门；(b) 相关义务列明第1款中提及的条款，根据第11.12.2条（不符措施）和第12.6.2条（不符措施），这些条款不适用于条目中列明的部门、分部门或活动；(c) 描述阐明条目涵盖的部门、分部门或活动范围；(d) 现行措施出于透明度目的，列明适用于条目涵盖的部门、分部门或活动的现行措施。
3. 根据第11.12.2条（不符措施）和第12.6.2条（不符措施），本协议在条目“相关义务”要素中指定的条款不适用于该条目“描述”要素中确定的部门、分部门和活动。
4. 对韩国而言，外国人指外国国民或根据

laws of another country.

5. For greater certainty, Local Presence (Article 12.5) and National Treatment (Article 12.2) are separate disciplines and a measure that is only inconsistent with Local Presence (Article 12.5) need not be reserved against National Treatment (Article 12.2).

另一国家的法律组建的企业。

5. 为进一步明确，当地存在（第12.5条）和国民待遇（第12.2条）是独立的纪律，仅与当地存在（第12.5条）不一致的措施不必保留以对抗国民待遇（第12.2条）。

ANNEX II
SCHEDULE OF KOREA

韩国附件二清单

Sector:	All Sectors	部门:	所有部门
Obligations Concerned:	National Treatment (Article 11.3) Performance Requirements (Article 11.8)	相关义务:	国民待遇（第11.3条） 业绩要求（第11.8条）
Description:	<u>Investment</u> 1. Korea reserves the right to adopt, with respect to the establishment or acquisition of an investment, any measure that is necessary for the maintenance of public order pursuant to Article 4 of the <i>Foreign Investment Promotion Act</i> (2007) and Article 5 of the <i>Enforcement Decree of the Foreign Investment Promotion Act</i> (2007), provided that Korea promptly provides written notice to the United States that it has adopted such a measure and that the measure: (a) is applied in accordance with the procedural requirements set out in the <i>Foreign Investment Promotion Act</i> (2007), <i>Enforcement Decree of the Foreign Investment Promotion Act</i> (2007), and other applicable law; (b) is adopted or maintained only where the investment poses a genuine and sufficiently serious threat to the fundamental interests of society; (c) is not applied in an arbitrary or unjustifiable manner; (d) does not constitute a disguised restriction on investment; and (e) is proportional to the objective it seeks to achieve. 2. Without prejudice to any claim that may be submitted to arbitration pursuant to Article 11.16.1, a claimant may submit to arbitration under Section B of Chapter Eleven (Investment) a claim that: (a) Korea has adopted a measure for which it has provided notice pursuant to paragraph 1; and	描述:	投资 1. 韩国保留根据《外商投资促进法（2007年）》第4条及《外商投资促进法施行令（2007年）》第5条，针对投资的设立或收购采取任何维护公共秩序所必需措施的权利，前提是韩国须立即向美国发出书面通知，说明其已采取该等措施且该等措施： (a) 依照《外商投资促进法（2007年）》、《外商投资促进法施行令（2007年）》及其他适用法律规定的程序要求实施；(b) 仅在投资对社会根本利益构成真实且严重威胁时采取或维持；(c) 不以任意或不合理的方式实施；(d) 不构成对投资的变相限制；且(e) 与所追求的目标相称。 2. 在不影响根据第11.16.1条可能提交仲裁的任何主张的前提下，申请人可根据第十一章（投资）B节就以下主张提交仲裁： (a) 韩国已采取一项措施，并已根据第1款发出通知；且

	(b) the claimant or, as the case may be, an enterprise of Korea that is a juridical person that the claimant owns or controls directly or indirectly, has incurred loss or damage by reason of, or arising out of, the measure. In the event of such a claim, Section B of Chapter Eleven shall apply, <i>mutatis mutandis</i>, and all references in Section B of Chapter Eleven to a breach, or to an alleged breach, of an obligation under Section A of Chapter Eleven shall be understood to refer to the measure, which would constitute a breach of an obligation under Section A of Chapter Eleven but for this entry. However, no award may be made in favor of the claimant, if Korea establishes to the satisfaction of the tribunal that the measure satisfies all the conditions listed in subparagraphs (a) through (e) of paragraph 1. 3. This entry does not apply to the extent that a measure referred to in paragraph 1 is subject to Chapter Thirteen (Financial Services).		(b) 申请人或（视情况而定）由申请人直接或间接拥有或控制的韩国企业法人，因该措施而遭受损失或损害。 在此类索赔发生时，第十一章B节应经必要修改后适用，且第十一章B节中所有关于违反或涉嫌违反第十一章A节义务的表述，均应理解为指代该措施——若非本条目规定，该措施将构成对第十一章A节义务的违反。但若韩国向仲裁庭充分证明该措施满足第1款(a)至(e)项所列全部条件，则不得作出有利于申请人的裁决。 3. 若第1款所述措施受第十三章（金融服务）管辖，则本条目不适用。
Existing Measures:	<i>Foreign Investment Promotion Act</i> (Law No. 8380, April 11, 2007), Article 4 <i>Enforcement Decree of the Foreign Investment Promotion Act</i> (Presidential Decree No. 19826, January 5, 2007), Article 5	现行措施:	外商投资促进法（第8380号法律，2007年4月11日），第4条 外商投资促进法施行令（第19826号总统令，2007年1月5日），第5条

Sector:	All Sectors	部门:	所有部门
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the transfer or disposition of equity interests or assets held by state enterprises or governmental authorities. Such a measure shall be implemented in accordance with the provisions of Chapter Twenty-One (Transparency). Notwithstanding Article 13.9.3 (Non-Conforming Measures), this entry shall not be treated as a non-conforming measure not subject to Article 13.2 (National Treatment). This entry does not apply to former private enterprises that are owned by the state as a result of corporate reorganization processes. For purposes of this entry: A state enterprise shall include any enterprise created for the sole purpose of selling or disposing of equity interests or assets of state enterprise or governmental authorities. <u>Cross-Border Trade in Services and Investment</u> Without prejudice to Korea’s commitments undertaken in Annex I and Annex II, Korea reserves the right to adopt or maintain any measure with respect to the transfer to the private sector of all or any portion of services provided in the exercise of governmental authority. This entry does not apply to a measure inconsistent with Article 11.3 or 12.2 to the extent that the measure affects the supply of express delivery services that the laws of Korea permit. This paragraph does not prevent Korea from establishing or maintaining a state enterprise. Notwithstanding Article 13.9.3, this entry shall not be treated as a non-conforming measure not subject to Article 13.2.	描述:	<u>投资</u> 韩国保留采取或维持任何措施的权利，涉及国有企业或政府当局持有的股权权益或资产的转让或处置。 此类措施应按照第二十一章（透明度）的规定实施。 尽管有第13.9.3条（不符措施）的规定，本条目不得被视为不受第13.2条（国民待遇）约束的不符措施。 本条目不适用于因公司重组过程而由国家所有的前私营企业。 就本条目而言： 国有企业应包括仅为出售或处置国有企业或政府当局的股权权益或资产而创建的任何企业。 <u>跨境服务贸易和投资</u> 在不影响韩国在附件一和附件二中所作承诺的前提下，韩国保留采取或维持任何措施的权利，这些措施涉及将政府职权行使中提供的全部或部分服务转让给私营部门。 本条目不适用于与第11.3条或第12.2条不一致的措施，只要该措施影响到韩国法律允许的快递服务供应。本段不妨碍韩国设立或维持国有企业。 尽管有第13.9.3条规定，本条目不得被视为不受第13.2条约束的不符措施。

Existing Measures:	<i>Securities and Exchange Act</i> (Law No 8315, March 29, 2007), Article 203	现行措施:	《证券交易法》（第8315号法律，2007年3月29日），第203条
--------------------	---	-------	------------------------------------

Sector:	Acquisition of Land	部门:	土地收购
Obligations Concerned:	National Treatment (Article 11.3)	相关义务:	国民待遇 (第11.3条)
Description:	<u>Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the acquisition of land by foreign persons, except that a juridical person shall continue to be permitted to acquire land where the juridical person: 1. is not deemed foreign under Article 2 of the <i>Foreigner’s Land Acquisition Act</i>, and 2. is deemed foreign under the <i>Foreigner’s Land Acquisition Act</i> or is a branch of a foreign juridical person subject to approval or notification in accordance with the <i>Foreigner’s Land Acquisition Act</i>, if the land is to be used for any of the following legitimate business purposes: (a) land used for ordinary business activities; (b) land used for housing for senior management; and (c) land used for fulfilling land-holding requirements stipulated by pertinent laws. Korea reserves the right to adopt or maintain any measure with respect to the acquisition of farmland by foreign persons.	描述:	<u>投资</u> 韩国保留对外国人土地收购采取或维持任何措施的权利， 但法人应继续被允许在以下情况下收购土地： 1. 根据《外国人土地收购法》第2条不被视为外国人， 且 2. 根据《外国人土地收购法》被视为外国人或作为需依据该法获得批准或通知的外国法人分支机构， 若土地将用于以下任一合法商业目的： (a) 用于普通商业活动的土地； (b) 用于高级管理人员住房的土地； 及(c) 用于履行相关法律法规规定的土地持有要求的土地。 韩国保留对外国人农田收购采取或维持任何措施的权利。
Existing Measures:	<i>Foreigner’s Land Acquisition Act</i> (Law No. 7297, December 31, 2004), Articles 2 through 6 <i>Farmland Act</i> (Law No. 8179, January 3, 2007), Article 6	现行措施:	外国人土地收购法（第7297号法律， 2004年12月31日）， 第2至6条 农地法（第8179号法律， 2007年1月3日）， 第六条

Sector:	Firearms, Swords, Explosives, and Similar Items	部门:	枪支、剑、爆炸物及类似物品
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the firearms, swords, and explosives sector, including the manufacture, use, sale, storage, transport, import, export, and possession of firearms, swords, or explosives.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对枪支、刀剑和爆炸物部门采取或维持任何措施的权利，包括枪支、刀剑或爆炸物的制造、使用、销售、储存、运输、进口、出口和持有。

Sector:	Disadvantaged Groups	部门:	弱势群体
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure that accords rights or preferences to socially or economically disadvantaged groups, such as the disabled, persons who have rendered distinguished services to the state, and ethnic minorities.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，这些措施赋予社会或经济弱势群体权利或优惠，例如残疾人、为国家做出杰出贡献的人士和少数民族。

Sector:	State-Owned National Electronic/Information System	部门:	国有国家电子/信息系统
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Local Presence (Article 12.5) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9)	相关义务:	国民待遇（第11.3条和第12.2条） 当地存在（第12.5条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure affecting the administration and operation of any state-owned electronic information system that contains proprietary government information or information gathered pursuant to the regulatory functions and powers of the government. This entry does not apply to payment and settlement systems related to financial services.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何影响国有电子信息系统的管理和运营的措施的权利，该系统包含专有政府信息或根据政府的监管职能和权力收集的信息。 本条目不适用于与金融服务相关的支付和结算系统。

Sector:	Social Services	部门:	社会服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Local Presence (Article 12.5) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 当地存在（第12.5条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for public purposes: income security or insurance, social security or insurance, social welfare, public training, health, and child care.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，涉及提供执法和惩教服务，以及以下服务（只要这些服务是为公共目的而设立或维持的社会服务）：收入保障或保险、社会保障或保险、社会福利、公共培训、健康和儿童保育。

Sector:	All Sectors	部门:	所有部门
Obligations Concerned:	Market Access (Article 12.4)	相关义务:	市场准入（第12.4条）
Description:	<u>Cross-Border Trade in Services</u> Korea reserves the right to adopt or maintain any measure that is not inconsistent with Korea’s obligations under Article XVI of GATS as set out in Korea’s Schedule of Specific Commitments under the GATS (GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) . For purposes of this entry only, Korea’s Schedule is subject to the following modifications: (a)for any sector and subsector with regard to which Korea’s Annex I contains an entry (other than an entry with regard to “All Sectors”) that does not list Market Access as one in the Obligations Concerned element, “None” is inscribed in the Market Access column for modes 1, 2, and 3, and “Unbound except as indicated in the Horizontal commitments section” is inscribed for mode 4; (b)for any sector and subsector with regard to which Korea’s Annex I contains an entry (other than an entry with regard to “All Sectors”) that lists a limitation to the Market Access obligation, that limitation is inscribed in the Market Access column with regard to the appropriate mode of supply; and (c)for any sector and subsector listed in Appendix II-A, Korea’s Schedule is modified as indicated in the Appendix II-A. These modifications shall not affect any limitation relating to sub-paragraph (f) of paragraph 2 of Article XVI of GATS inscribed in the Market Access column of Korea’s Schedule. For greater certainty, an entry of “None” in the Market Access column of Korea’s Schedule shall not be construed to alter the application of Article 12.5 as modified by Article 12.6.	描述:	<u>跨境服务贸易</u> 韩国保留采取或维持任何与韩国在《服务贸易总协定》下的具体承诺减让表（GATS/SC/48、GATS/SC/48/Suppl.1、GATS/SC/48/Suppl.1/Rev.1、GATS/SC/48/Suppl.2、GATS/SC/48/Suppl.3及GATS/SC/48/Suppl.3/Rev.1）中载明的第十六条义务不相抵触的措施的权利。 仅就本条目而言，韩国的减让表需作如下修改： (a)对于韩国附件一中包含条目（“所有部门”条目除外）且未将市场准入列为相关义务要素的任何部门和分部门，在市场准入栏中，模式1、2和3标注为“无”，模式4标注为“除水平承诺部分另有规定外不受约束”； (b)对于韩国附件一中包含条目（“所有部门”条目除外）且列有市场准入义务限制的任何部门和分部门，该限制将根据相应的供应模式标注在市场准入栏中；且 (c)对于附录二-A所列的任何部门和分部门，韩国的减让表将按附录二-A所示进行修改。 上述修改不得影响韩国减让表市场准入栏中标注的与服务贸易总协定第十六条第2款(f)项相关的任何限制。 为更加明确起见，韩国减让表中市场准入栏的“无”条目不得解释为改变经第12.6条修改的第12.5条的适用。

Sector:	All Sectors
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 11.4 and 12.3)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement. Korea reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving: (a) aviation; (b) fisheries; or (c) maritime matters, including salvage.

部门:	所有部门
相关义务:	最惠国待遇（第11.4条和第12.3条）
描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，这些措施可根据本协议生效日期前已生效或签署的任何双边或多边国际协定对各国给予差别待遇。 韩国保留采取或维持任何措施的权利，这些措施根据本协议生效日期前已生效或生效后签署的任何双边或多边国际协定，对相关国家给予差别待遇，涉及： (a) 航空； (b) 渔业； 或(c) 海事事项，包括救助。

Sector:	Communication Services - Broadcasting Services	部门:	通信服务 - 广播服务
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 11.4 and 12.3)	相关义务:	最惠国待遇（第11.4条和第12.3条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure that accords differential treatment to persons of other countries due to the application of reciprocity measures or through international agreements involving sharing of the radio spectrum, guaranteeing market access, or national treatment with respect to the one-way satellite transmission of direct-to-home (DTH) and direct broadcasting satellite (DBS) television services and digital audio services.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，这些措施因适用互惠措施或通过涉及共享无线电频谱、保障市场准入或关于直接到户（DTH）和直播卫星（DBS）电视服务及数字音频服务的单向卫星传输的国民待遇的国际协议，而对其他国家的人员给予差别处理。

Sector:	Transportation Services - Railroad Transportation	部门:	运输服务 - 铁路运输
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 11.4 and 12.3)	相关义务:	最惠国待遇（第11.4条和第12.3条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving railroad transportation.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，这些措施根据本协议生效日期前已生效或生效后签署的任何涉及铁路运输的双边或多边国际协定，给予其他国家差别待遇。

Sector:	Environmental Services - Treatment and Supply Services for Potable Water; Collection and Treatment Services for Municipal Sewage; Collection, Transportation, and Disposal Services for Municipal Refuse; Sanitation and Similar Services; Nature and Landscape Protection Services (Except for Environmental Impact Assessment Services)	部门:	环境服务 - 饮用水处理与供应服务；市政污水收集与处理服务；市政垃圾收集、运输与处置服务；卫生及类似服务；自然与景观保护服务（环境影响评估服务除外）
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the following environmental services: treatment and supply of potable water; collection and treatment of municipal sewage; collection, transportation, and disposal of municipal refuse; sanitation and similar services; and nature and landscape protection services (except for environmental impact assessment services). This entry shall not apply to the supply of the aforementioned services pursuant to a contract between private parties, to the extent private supply of such services is permitted under relevant laws and regulations.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对以下环境服务采取或维持任何措施的权利：饮用水处理和供应；城市污水收集与处理；城市垃圾收集、运输及处置；卫生及类似服务；以及自然与景观保护服务（环境影响评估服务除外）。 本条目不适用于私人之间的合同所提供的上述服务，只要此类服务的私人供应在相关法律法规下是被允许的。

Sector:	Atomic Energy - Nuclear Power Generation; Manufacturing and Supply of Nuclear Fuel; Nuclear Materials; Radioactive Waste Treatment and Disposal (including treatment and disposal of spent and irradiated nuclear fuel); Radioisotope and Radiation Generation Facilities; Monitoring Services for Radiation; Services Related to Nuclear Energy; Planning, Maintenance, and Repair Services	部门:	原子能 - 核能发电；核燃料的制造与供应；核材料；放射性废物处理与处置（包括乏燃料和辐照核燃料的处理与处置）；放射性同位素与辐射发生设施；辐射监测服务；核能相关服务；规划、维护和修理服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the atomic energy industry.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对原子能产业采取或维持任何措施的权利。

Sector:	Energy Services - Electric Power Generation other than Nuclear Power Generation; Electric Power Transmission, Distribution, and Sales; Electricity Business	部门:	能源服务 - 除核能发电外的电力生产；电力传输、配电及销售；电力业务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to electric power generation, transmission, distribution, and sales. Any such measure shall not decrease the level of foreign ownership permitted in the electric power industry as provided by the entry in Korea’s Schedule to Annex I related to Energy Industry (electric power). Notwithstanding this entry, Korea shall not adopt or maintain any measure inconsistent with Article 11.8.1(f).	描述:	<u>跨境服务贸易和投资</u> 韩国保留对电力生产、传输、配电和销售采取或维持任何措施的权利。 任何此类措施均不得降低韩国附件一减让表中关于能源产业（电力）条目所允许的电力产业外资所有权水平。 尽管有本条目，韩国不得采取或维持任何与第11.8条1(f)款不一致的措施。

Sector:	Energy Services - Gas industry	部门:	能源服务 - 天然气行业
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the import and wholesale distribution of natural gas and the operation of terminals and the national high pressure pipeline network. Any such measure shall not decrease the level of foreign ownership permitted in the gas industry as provided by the entry in Korea’s Schedule to Annex I related to Energy Industry (gas industry).	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与天然气进口和批发分销、终端运营及国家高压管道网络相关措施的权利。 任何此类措施均不得降低韩国附件一减让表中与能源产业（天然气行业）相关条目所允许的天然气行业外资所有权水平。

Sector:	Distribution Services - Commission Agents’ Services, Wholesaling and Retailing of Agricultural Raw Materials and Live Animals (<i>nong chuk san mul</i>)	部门:	分销服务 - 佣金代理服务、农业原材料和活体动物（农畜产物）的批发与零售
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to: (a) commission agents’ services; (b) wholesaling (including importation) services; and (c) retailing services, with respect to rice, ginseng, and red ginseng.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，涉及： (a) 佣金代理服务；(b) 批发（包括进口）服务；以及(c) 零售服务， 关于大米、人参和红参。

Sector:	Transportation Services - Passenger Road Transportation Services (Taxi Services and Scheduled Passenger Road Transportation Services)	部门:	运输服务 - 客运道路运输服务（出租车服务和定期客运道路运输服务）
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to taxi services and scheduled passenger road transportation services.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对出租车服务和定期客运道路运输服务采取或维持任何措施的权利。

Sector:	Transportation Services - Freight Road Transportation Services (not including Road Transportation Services Related to Courier Services)	部门:	运输服务 - 货运公路运输服务（不包括与快递服务相关的公路运输服务）
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to freight road transportation services, not including road transportation of containerized freight (excluding cabotage) by international shipping companies and road transportation services related to courier services.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与货运公路运输服务相关措施的权利，不包括国际航运公司提供的集装箱货物的公路运输（不包括沿海运输权）以及与快递服务相关的公路运输服务。

Sector:	Transportation Services - Internal Waterways Transportation Services and Space Transportation Services	部门:	运输服务 - 内河运输服务及航天运输服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to internal waterways transportation services and space transportation services.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与内河运输服务和航天运输服务相关措施的权利。

Sector:	Transportation Services - Storage and Warehousing Services	部门:	运输服务 - 仓储服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2)	相关义务:	国民待遇 (第11.3条和第12.2条)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to storage and warehousing services related to rice.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与大米相关仓储服务措施的权利。

Sector:	Communication Services - Non-monopoly Postal Services	部门:	通信服务 - 非垄断邮政服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2)	相关义务:	国民待遇（第11.3条和第12.2条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to: (a)the supply of support services to postal offices by military service personnel or other personnel of equivalent status; and (b)the Minister of Information and Communication not needing authorization from the Minister of Construction and Transportation in determining the total number of vehicles that may belong to the Ministry of Information and Communication and allocating the vehicles to postal offices.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，涉及： (a) 由军事服务人员或同等身份人员向邮政局提供支持服务；以及 (b) 信息通信部长在确定可归属于信息通信部的车辆总数并将车辆分配给邮政局时，无需获得建设部部长的授权。
Existing Measures:	<i>Postal Service Act</i> (Law No. 8288, January 26, 2007) <i>Military Service Act</i> (Law No. 8243, January 19, 2007) <i>Regulations on Management of Common-Purpose Motor Vehicles</i> (Presidential Decree No. 19414, March 29, 2006)	现行措施:	邮政服务法（第8288号法律，2007年1月26日） 兵役法（第8243号法律，2007年1月19日） 公用机动车辆管理条例（第19414号总统令，2006年3月29日）

Sector:	Communication Services - Broadcasting Services	部门:	通信服务 - 广播服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Market Access (Article 12.4) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 市场准入（第12.4条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure that: (a) limits cross-ownership among media sectors; (b) sets the minimum percentage of issued stocks or equity interest that serves as a threshold to determine whether a juridical person organized under Korean law is a deemed foreign person. This subparagraph does not apply to a program provider that is not engaged in <i>jong-hap-pyeon-sung</i> (multi-genre programming), <i>bo-do</i> (news reporting), or home-shopping; (c) requires the members of the board of directors of the supplier of broadcasting services to be Korean nationals or residents; (d) requires a platform operator (<i>e.g.</i>, a cable system or satellite broadcasting operator) to retransmit a terrestrial broadcasting channel or to transmit a public interest channel; (e) with respect to a terrestrial broadcaster, requires a certain percentage of annual programming hours to be newly produced Korean animation, provided that such measure does not materially impair the level of market access afforded U.S. animation content as of April 30, 2007;¹	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，该措施： (a) 限制媒体行业间的交叉所有权； (b) 设定作为判定依据韩国法律组建的法人是否视为外国人的最低已发行股票比例或股权权益门槛。本项不适用于不从事综合编成（多类型节目）、新闻报道或家庭购物的节目提供商； (c) 要求广播服务供应商的董事会成员为韩国国民或居民； (d) 要求平台运营商（如有线系统或卫星广播运营商）转播地面广播频道或传输公共利益频道； (e) 对于地面广播公司，要求其年度节目播出时长中须有一定比例为新制作的韩国动画，前提是该措施不会实质性削弱2007年4月30日时美国动画内容所享有的市场准入水平；¹

¹ For purposes of transparency, under the Broadcasting Act (Law No. 8301, January 26, 2007), the Korea Broadcasting Commission (KBC) may require that a specific percentage no greater than 1.5 percent of a terrestrial broadcaster’s annual programming hours be newly produced Korean animation. As of April 30, 2007, KBC requires that one percent of the annual programming hours of Korea Broadcasting System (KBS), *Mun-hwa* Broadcasting Corporation (MBC), and Seoul Broadcasting System (SBS) and 0.3 percent of the annual programming hours of Educational Broadcasting System (EBS) be newly produced Korean animation.

¹ 出于透明度考虑，根据《广播法》（2007年1月26日第8301号法律），韩国广播委员会（KBC）可要求地面广播公司每年节目播出时长中不超过1.5%的比例须为新制作的韩国动画。截至2007年4月30日，KBC规定韩国广播系统（KBS）、文化广播公司（MBC）和首尔广播系统（SBS）每年节目时长的1%，以及教育广播系统（EBS）每年节目时长的0.3%须为新制作的韩国动画。

- (f)

with respect to a program provider that primarily provides animation programming or is engaged in *jong-hap-pyeon-sung* (multi-genre programming), requires a certain percentage of annual programming hours to be newly produced Korean animation, provided that the measure permits the program provider to provide a greater quantity of foreign content than specified in the Communications Services – Broadcasting Services entry in Korea’s Schedule to Annex I;

(g)

imposes an outsourced production content quota, expenditure requirement for Korean production, or prime time quota, provided that, if such a quota or requirement is applied to a cable system or satellite broadcasting operator or program provider, the measure permits such operator or provider to provide a greater quantity of foreign content than specified in the Communications Services – Broadcasting Services entry in Korea’s Schedule to Annex I;

(h)

requires a supplier of broadcasting services that provides video on demand (VOD) services to store a certain percentage of Korean content, provided that such a requirement does not result in the storage of videos for which there is negligible consumer demand; or

(i)

restricts or prohibits foreign retransmitted broadcasting services (including foreign cable channels) in a specific category provided that the foreign equity limitations with respect to program providers of that category specified in the Communications Services – Broadcasting Services entry in Korea’s Schedule to Annex I are eliminated. This subparagraph does not apply with respect to a supplier of foreign retransmitted broadcasting services approved on or before the date this Agreement is signed and such a supplier may continue to supply its services in accordance with the *Broadcasting Act* (Law No. 8301, January 26, 2007 and Decision No. 2005-18-144, April 26, 2005).
- (f)

对于主要提供动画节目或从事综合编成（多类型节目）的节目提供商，要求其年度节目播出时长中须有一定比例为新制作的韩国动画，前提是该措施允许节目提供商提供比韩国附件一减让表中通信服务-广播服务条目规定数量更多的外国内容；

(g)

施加外包制作内容配额、韩国制作支出要求或黄金时段配额，前提是若该配额或要求适用于有线系统、卫星广播运营商或节目提供商，则该措施应允许此类运营商或提供商提供比韩国附件一减让表中通信服务-广播服务条目规定数量更多的外国内容；

(h)

要求提供视频点播服务的广播服务供应商存储一定比例的韩国内容，前提是该要求不会导致存储消费者需求极低的视频；或

(i)

限制或禁止特定类别的外国转播服务（包括外国有线频道），前提是韩国附件一减让表中通信服务-广播服务条目下针对该类别节目提供商的外资股权限制已取消。本项不适用于在本协议签署之日或之前已获批准的外国转播服务供应商，且此类供应商可继续根据《广播法》（2007年1月26日第8301号法律及2005年4月26日第2005-18-144号决定）供应其服务。

For purposes of this entry:

就本条目而言：

- (a) **deemed foreign person** means a juridical person organized under Korean law in which a foreign government or a foreign person holds in the aggregate more than 50 percent of its total issued stocks or equity interest, or whose largest shareholder is a foreign government or a foreign person;
- (b) **outsourced production content** means content produced in Korea by an independent production company organized under Korean law; and
- (c) **prime time quota** means a requirement to provide a certain percentage of Korean content during hours of high viewership.

- (a) 视为外国人指法人
依据韩国法律组建，且外国政府或外国人合计持有其总发行股票或股权权益超过50%，或其最大股东为外国政府或外国人；
- (b) 外包制作内容指根据韩国法律成立的独立制作公司在韩国制作的内容； 以及 (c) 黄金时段配额指在高收视率时段提供一定比例韩国内容的要求。

Sector:	Communication Services - Broadcasting and Telecommunications Services	部门:	通信服务-广播与电信服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Market Access (Article 12.4) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 市场准入（第12.4条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> 1. Subject to paragraph 2, Korea reserves the right to adopt or maintain any measure with respect to a supplier of subscription-based video services, as part of future regulatory reforms in the broadcasting and telecommunications sectors or taking into account deliberations by the Broadcasting and Telecommunications Convergence Promotion Committee. 2. With respect to subscription-based video services, (a) any such measure that limits foreign equity shall be applied in accordance with domestic policy determinations regarding the classification of subscription-based video services and shall be no less favorable with respect to a supplier of subscription-based video services than a measure applied pursuant to the Telecommunications Services entry in Korea’s Schedule to Annex I with respect to a facilities-based supplier of public telecommunications services or the Communications Services-Broadcasting Services entry in Korea’s Schedule to Annex I with respect to a cable system operator, as the case may be. Such a measure shall be subject to Article 11.12.1(c); and (b) any such measure that imposes a domestic content quota may set a level of Korean content no higher than the percentage permitted pursuant to the Communications Services – Broadcasting Services entry in Korea’s Schedule to Annex I with respect to a cable system operator. Such a measure shall be subject to Article 11.12.1(c).	描述:	<u>跨境服务贸易和投资</u> 1. 在遵守第2段的前提下，韩国保留对订阅制视频服务供应商采取或维持任何措施的权利，作为未来广播与电信部门监管改革的一部分，或考虑到广播与电信融合促进委员会的审议结果。 2. 关于订阅制视频服务， (a) 任何限制外资股权的此类措施，应根据国内关于订阅制视频服务分类的政策决定实施，且对订阅制视频服务供应商的待遇不得低于韩国附件一减让表中电信服务条目下对基于设施的公共电信服务供应商适用的措施，或通信服务-广播服务条目下对有线系统运营商适用的措施（视情况而定）。此类措施应受第11.12.1(c)条约束；且 (b) 任何此类施加国内内容配额的措施，其所规定的韩国内容比例不得超过韩国附件一减让表中通信服务-广播服务条目针对有线系统运营商所允许的百分比。此类措施应受第11.12.1(c)条约束。

For transparency, the Broadcasting and Telecommunications Convergence Promotion Committee is to design policy and reform the regulatory framework on the following areas:

- (a) restructuring the regulatory authority and setting a new legal framework;
- (b) reviewing the industry’s classification system;
- (c) licensing and authorization of service suppliers;
- (d) ownership and cross-ownership system;
- (e) regulations on business activities;
- (f) improving technological regulations;
- (g) realizing universal service; and
- (h) addressing the issue of public interest programs in the convergence era.

For purposes of this entry, **subscription-based video services** means subscription-based video services that are supplied to end-users over dedicated transmission capacity that the supplier owns or controls (including by leasing) and includes Internet Protocol-based Television (IPTV) and Interactive Broadcasting.

为保障透明度，广播与电信融合促进委员会应就以下领域制定政策并改革监管框架：

- (a) 重组监管机构并建立新的法律框架；(b) 审查行业分类系统；(c) 服务供应商的许可和授权；(d) 所有权和交叉所有权制度；(e) 商业活动法规；(f) 完善技术法规；(g) 实现普遍服务；以及(h) 解决融合时代公共利益节目的问题。

就本条目而言，订阅制视频服务指向终端用户通过供应商拥有或控制（包括租赁）的专用传输容量提供的订阅制视频服务，包括基于互联网协议的电视（IPTV）和互动广播。

Sector:	Communication Services - Broadcasting and Audio-Visual Services	部门:	通信服务 - 广播与视听服务
Obligations Concerned:	Most Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8)	相关义务:	最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any preferential co-production arrangement for film or television productions. Official co-production status, which may be granted to a co-production produced under such a co-production arrangement, confers national treatment on works covered by a co-production arrangement.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对电影或电视制作采取或维持任何优惠合作制作安排的权利。官方合作制作地位可授予根据此类合作制作安排制作的作品，并为合作制作安排涵盖的作品提供国民待遇。

Sector:	Communication Services - Broadcasting and Audio-Visual Services	部门:	通信服务 - 广播与视听服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure setting criteria for determining whether broadcasting or audio-visual programs are Korean. Korea shall ensure that this entry is not inconsistent with the Communications Services – Broadcasting Services entry in Korea’s Schedule to Annex I or the Communications Services – Broadcasting and Telecommunications Services entry in Korea’s Schedule to Annex II.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，以设定判定广播或视听节目是否为韩国的标准。 韩国应确保本条目与韩国附件一减让表中的通信服务-广播服务条目或韩国附件二承诺表中的通信服务—广播和电信服务条目保持一致。

Sector:	Business Services - Real Estate Services (not including Real Estate Brokerage and Appraisal Services)	部门:	商业服务 - 房地产服务（不包括房地产经纪和评估服务）
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Local Presence (Article 12.5)	相关义务:	国民待遇 (第11.3条和第12.2条) 业绩要求 (第11.8条) 当地存在 (第12.5条)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to real estate development, supply, management, sale, and rental services, except for brokerage and appraisal services.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对房地产开发、供应、管理、销售和租赁服务采取或维持任何措施的权利，但经纪和评估服务除外。

Sector:	Business Services - Insolvency and Receivership Services	部门:	商业服务 - 破产和接管服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to insolvency and receivership services. Korea reserves the right to adopt or maintain any measure with respect to corporate restructuring services, including corporate restructuring companies, corporate restructuring partnerships, and corporate restructuring vehicles. For greater certainty, this entry shall not be construed to negatively affect current legitimate investment banking services subject to rights and obligations under Chapter Thirteen (Financial Services).	描述:	<u>跨境服务贸易和投资</u> 韩国保留对破产和接管服务采取或维持任何措施的权利。 韩国保留采取或维持任何与企业重组服务相关措施的权利，包括企业重组公司、企业重组合伙企业及企业重组工具。 为更加明确起见，本条目不得解释为对受第十三章（金融服务）项下权利和义务约束的现行合法投资银行服务产生负面影响。

Sector:	Digital Audio or Video Services	部门:	数字音频或视频服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt any measure to ensure that, upon a finding by the Government of Korea that Korean digital audio or video content or genres thereof is not readily available to Korean consumers, access to such content is not unreasonably denied to Korean consumers. With respect to digital audio or video services targeted at Korean consumers, Korea reserves the right to adopt any measure to promote the availability of such content. Any measure adopted pursuant to the paragraph above shall be implemented in accordance with the provisions of Chapter Twenty-One (Transparency), as well as Article 12.8 (Transparency in Developing and Applying Regulations), as applicable, be based on objective criteria, and be no more trade-restrictive or burdensome than necessary. For purposes of this entry, digital audio or video service means a service that provides streaming audio content, films or other video downloads or streaming video content regardless of the type of transmission (including through the Internet), but does not include broadcasting services as defined by the <i>Broadcasting Act</i> as of the date this Agreement enters into force or subscription-based video services as defined in the Communications Services – Broadcasting and Telecommunications Services entry in Korea’s Schedule to Annex II.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取任何措施的权利，以确保在韩国政府认定韩国数字音频或视频内容或其类型不易为韩国消费者获得时，不会不合理地拒绝韩国消费者获取此类内容。针对面向韩国消费者的数字音频或视频服务，韩国保留采取任何措施以促进此类内容可获得性的权利。 根据上述段落采取的任何措施应按照第二十一章（透明度）以及第12.8条（制定和适用法规的透明度）的规定（如适用）实施，并基于客观标准，且不得超出必要的贸易限制或负担。 就本条目而言，数字音频或视频服务指提供流媒体音频内容、电影或其他视频下载或流媒体视频内容的服务，无论传输类型如何（包括通过互联网），但不包括本协议生效之日根据《广播法》定义的广播服务，也不包括韩国附件二承诺表中通信服务—广播和电信服务条目定义的订阅制视频服务。

Sector:	Business Services - Cadastral Surveying Services and Cadastral Map-Making Services	部门:	商业服务—地籍测量服务和地籍图制作服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2)	相关义务:	国民待遇 (第11.3条和第12.2条)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to cadastral surveying services and cadastral map related services.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对地籍测量服务和地籍图相关服务采取或维持任何措施的权利。

Sector:	Business and Environmental Services - Examination, Certification, and Classification of Agricultural Raw Materials and Live Animals (<i>nong chuk san mul</i>)	部门:	商业和环境服务 - 农业原材料和活体动物（农畜产物）的检验、认证和分类
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to examination, certification, and classification of agricultural raw materials and live animal products. For greater certainty, this entry does not include examinations or testings performed on behalf of producers in advance of the official examinations or testings.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对农业原材料和活体动物产品的检验、认证和分类采取或维持任何措施的权利。 为更加明确起见，本条目不包括代表生产者在正式检验或测试之前进行的检查或测试。

Sector:	Business Services - Services Incidental to Agriculture, Hunting, Forestry, and Fishing	部门:	商业服务 - 农业、狩猎、林业和渔业的附带服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to services incidental to agriculture, forestry, and livestock, including genetic improvement, artificial insemination, rice and barley polishing, and activities related to a rice processing complex. Korea reserves the right to adopt or maintain any measure with respect to the supply of services incidental to agriculture, hunting, forestry, and fishing by the Agricultural Cooperatives, the Forestry Cooperatives, and the Fisheries Cooperatives.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与农业、林业及畜牧业附带服务相关措施的权利，包括遗传改良、人工授精、大米和大麦抛光，以及与大米加工综合体相关的活动。 韩国保留采取或维持任何措施的权利，这些措施涉及由农业合作社、林业合作社和渔业合作社提供的与农业、狩猎、林业和渔业相关的服务供应。

Sector:	Fishing	部门:	渔业
Obligations Concerned:	National Treatment (Article 11.3)	相关义务:	国民待遇 (第11.3条)
Description:	<u>Investment</u> Korea reserves the right to adopt or maintain any measure with respect to fishing activities in Korea’s territorial waters and Exclusive Economic Zone.	描述:	<u>投资</u> 韩国保留对韩国领海和专属经济区内渔业活动采取或维持任何措施的权利。

Sector:	Publishing of Newspapers	部门:	报纸出版
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the publishing (including printing and distribution) of newspapers.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与报纸出版（包括印刷和配电）相关措施的权利。

Sector:	Education Services - Pre-Primary, Primary, Secondary, Higher, and Other Education	部门:	教育服务 - 学前教育、初等教育、中等教育、高等教育和其他教育
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to pre-primary, primary, and secondary education; health and medicine-related higher education; higher education for prospective pre-primary, primary, and secondary teachers; professional graduate education in law; distance education at all education levels (except adult education services, provided that such services do not confer academic credit, diplomas, or degrees); and other education services. This entry does not apply to the administration of educational testing for foreign use. For greater certainty, nothing in this Agreement affects Korea’s authority to select and apply educational testings, or to regulate school curriculum in accordance with domestic education policy.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何措施的权利，涉及学前教育、初等教育和中等教育；健康和医学相关的高等教育；未来学前教育、初等教育和中等教育教师的高等教育；法律专业研究生教育；所有教育阶段的远程教育（成人教育服务除外，前提是此类服务不授予学分、文凭或学位）； 以及其他教育服务。 本条目不适用于为外国使用而进行的教育测试管理。为进一步明确， 本协议中的任何内容均不影响韩国根据国内教育政策选择和应用教育测试或规范学校课程的权力。

Sector:	Social Services - Human Health Services	部门:	社会服务 - 人类健康服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to human health services. This entry shall not apply to the preferential measures provided in the <i>Act on Designation and Management of Free Economic Zones</i> (Law No. 8372, April 11, 2007), and the <i>Special Act on Establishment of Jeju Special Self-Governing Province and Creation of Free International City</i> (Law No. 8372, April 11, 2007) relating to establishment of medical facilities, pharmacies, and similar facilities, and the supply of remote medical services to those geographical areas specified in those Acts.	描述:	<u>跨境服务贸易和投资</u> 韩国保留对人类健康服务采取或维持任何措施的权利。 本条目不适用于《自由经济区指定及管理法》（第8372号法律，2007年4月11日）和《济州特别自治道设立及自由国际城市创建特别法》（第8372号法律，2007年4月11日）中关于医疗设施、药店及类似设施设立以及向该等法律指定地理区域供应远程医疗服务的优惠措施。

Sector:	Recreational, Cultural, and Sporting Services - Motion Picture Promotion, Advertising, or Post-Production Services	部门:	娱乐、文化和体育服务 - 电影推广、广告或后期制作服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Performance Requirements (Article 11.8) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 业绩要求（第11.8条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to motion picture promotion, advertising, or post-production services.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与电影推广、广告或后期制作服务相关措施的权利。

Sector:	Recreational, Cultural, and Sporting Services - Museum and Other Cultural Services	部门:	娱乐、文化和体育服务 - 博物馆及其他文化服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the conservation and restoration of cultural heritage and properties, including the excavation, appraisal, or dealing of cultural heritage and properties.	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与文化遗产和财产的保存与修复相关措施的权利，包括文化遗产和财产的挖掘、鉴定或交易。

Sector:	Other Recreational Services	部门:	其他娱乐服务
Obligations Concerned:	National Treatment (Article 11.3)	相关义务:	国民待遇 (第11.3条)
Description:	<u>Investment</u> Korea reserves the right to adopt or maintain any measure with respect to tourism in rural, fishery, and agricultural sites.	描述:	<u>投资</u> 韩国保留对农村、渔业和农业场所的旅游业采取或维持任何措施的权利。

Sector:	Legal Services - Foreign Legal Consultants	部门:	法律服务 - 外国法律顾问
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> 1. Korea reserves the right to adopt or maintain any measures including but not limited to: (a) restrictions on certification, approval, registration, admission, and supervision of, and any other requirements with respect to, foreign country-licensed lawyers or foreign law firms supplying any type of legal services in Korea; (b) restrictions on foreign country-licensed lawyers or foreign law firms entering into partnerships, commercial associations, affiliations, or any other type of relationship regardless of legal form, with <i>byeon-ho-sa</i> (Korean-licensed lawyers), Korean law firms, <i>beop-mu-sa</i> (Korean-certified judicial scriveners), <i>byeon-ri-sa</i> (Korean-licensed patent attorneys), <i>gong-in-hoe-gye-sa</i> (Korean-certified public accountants), <i>se-mu-sa</i> (Korean-certified tax accountants), or <i>gwan-se-sa</i> (Korean customs brokers); (c) restrictions on foreign country-licensed lawyers or foreign law firms hiring <i>byeon-ho-sa</i> (Korean-licensed lawyers), <i>beop-mu-sa</i> (Korean-certified judicial scriveners), <i>byeon-ri-sa</i> (Korean-licensed patent attorneys), <i>gong-in-hoe-gye-sa</i> (Korean-certified public accountants), <i>se-mu-sa</i> (Korean certified tax accountants), or <i>gwan-se-sa</i> (Korean customs brokers) in Korea; and, (d) restrictions on senior management and the board of directors of legal entities supplying foreign legal consulting services, including with respect to the chairman. 2. Notwithstanding paragraph 1,	描述:	<u>跨境服务贸易和投资</u> 1. 韩国保留采取或维持任何措施的权利，包括但不限于： (a) 对在韩国提供任何类型法律服务的外国执业律师或外国律师事务所的认证、批准、注册、准入、监管以及其他相关要求的限制；(b) 对外国执业律师或外国律师事务所与辩护士（韩国执业律师）、韩国律师事务所、法务师（韩国认证司法代书人）、辩理士（韩国执业专利律师）、公认会计师（韩国认证注册会计师）、税务师（韩国认证税务会计师）或关税士（韩国海关经纪人）建立合伙企业、商业协会、附属关系或其他任何形式的法律关系之限制；(c) 对外国执业律师或外国律师事务所在韩国雇佣辩护士（韩国执业律师）、法务师（韩国认证司法代书人）、辩理士（韩国执业专利律师）、公认会计师（韩国认证注册会计师）、税务师（韩国认证税务会计师）或关税士（韩国海关经纪人）的限制；以及，(d) 对提供外国法律咨询服务的法律实体的高级管理层和董事会的限制，包括对主席的限制。 2. 尽管有第1款的规定，

- (a) No later than the date this Agreement enters into force, Korea shall allow, subject to certain requirements consistent with this Agreement, U.S. law firms to establish representative offices (Foreign Legal Consultant offices or FLC offices) in Korea, and attorneys licensed in the United States to provide legal advisory services regarding the laws of the jurisdiction in which they are licensed and public international law as foreign legal consultants in Korea.
- (b) No later than two years after the date this Agreement enters into force, Korea shall allow FLC offices, subject to certain requirements consistent with this Agreement, to enter into specific cooperative agreements with Korean law firms in order to be able to jointly deal with cases where domestic and foreign legal issues are mixed, and to share profits derived from such cases.
- (c) No later than five years after the date this Agreement enters into force, Korea shall allow U.S law firms to establish, subject to certain requirements consistent with this Agreement, joint venture firms with Korean law firms. Korea may impose restrictions on the proportion of voting shares or equity interests of the joint venture firms. For greater certainty, such joint ventures may, subject to certain requirements, employ Korean-licensed lawyers as partners or associates.

3. Korea shall maintain, at a minimum, the measures adopted to implement its commitments in paragraph 2.

For purposes of this entry, **U.S. law firm** means a law firm organized under U.S. law and headquartered in the United States.

(a) 不迟于本协议生效之日，韩国应允许美国律师事务所在韩国设立代表处（外国法律顾问办事处或FLC办事处），并允许美国执业律师以外国法律顾问身份在韩国提供关于其执业资格所属司法管辖区法律及国际公法的法律咨询服务， 但需符合与本协议一致的特定要求。

(b) 不迟于本协议生效之日起两年内，韩国应允许外国法律顾问办事处，在符合本协议相关要求的前提下，与韩国律师事务所签订特定合作协议，以便共同处理涉及国内外法律问题交织的案件，并分享此类案件产生的收益。

(c) 不迟于本协议生效之日起五年内，韩国应允许美国律师事务所在符合本协议相关要求的前提下，与韩国律师事务所设立合资企业。韩国可对合资企业的有表决权股份或股权权益比例实施限制。为明确起见，此类合资企业在满足特定要求的情况下，可聘请持有韩国执照的律师作为合伙人或助理律师。

3. 韩国应至少维持其为履行第2款承诺所采取的措施。

就本条目而言，美国律师事务所指根据美国法律组建且总部位于美国的律师事务所。

Sector:	Professional Services - Foreign Certified Public Accountants	部门:	专业服务 - 外国注册会计师
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> 1. Korea reserves the right to adopt or maintain any measures, including but not limited to: (a) restrictions on certified public accountants or accounting corporations registered under foreign laws hiring <i>gong-in-hoe-gye-sa</i> (Korean-certified public accountants); (b) restrictions on foreign-certified public accountants providing auditing services in Korea; and (c) restrictions on senior management and the board of directors of legal entities supplying certified public accountancy services, including with respect to the chairman. 2. Notwithstanding paragraph 1, (a) No later than the date this Agreement enters into force, Korea shall allow, subject to certain requirements consistent with this Agreement: (i) U.S. certified public accountants registered in the United States or accounting corporations organized under U.S. law to supply accounting consulting services relating to U.S. or international accounting laws and standards through offices established in Korea; and (ii) U.S. certified public accountants registered in the United States to work in <i>hoe-gye-beop-in</i> (Korean accounting corporations). (b) No later than five years after the date this Agreement enters into force, Korea shall allow U.S. certified public accountants registered in the United States to invest in any <i>hoe-gye-beop-in</i> (Korean	描述:	<u>跨境服务贸易和投资</u> 1. 韩国保留采取或维持任何措施的权利，包括但不限于： (a) 根据外国法律注册的注册会计师或会计公司雇用公认会计师（韩国认证注册会计师）的限制；(b) 外国注册会计师在韩国提供审计服务的限制；以及(c) 提供注册会计师服务的法律实体的高级管理层和董事会的限制，包括对主席的限制。 2. 尽管有第1款的规定， (a) 不迟于本协议生效之日，韩国应允许，在符合本协议的某些要求下： (i) 在美国注册的美国注册会计师或根据美国法律组织的会计根据美国法律成立的公司供应会计咨询服务涉及美国或国际会计法律和标准，通过设立在韩国的办事处；以及 (ii) 在美国注册的美国注册会计师在美国的<i>hoe-gye-工作beop-in</i>（韩国会计公司）。 (b) 在本协议生效之日起不迟于五年内，韩国应允许在美国注册的美国注册会计师投资任何会计法人（韩国的

accounting corporations), subject to certain requirements consistent with this Agreement, provided that:

- (i) *gong-in-hoe-gye-sa* (Korean registered certified public accountants) shall own more than 50 percent of the voting shares or equity interest of the *hoe-gye-beop-in*, and
- (ii) any single U.S. certified public accountant registered in the United States owns less than 10 percent of the voting shares or equity interests of the *hoe-gye-beop-in*.

3. Korea shall maintain, at a minimum, the measures adopted to implement its commitments in paragraph 2.

For purposes of this entry, a **U.S. accounting corporation** means an accounting corporation or partnership organized under U.S. law and headquartered in the United States.

会计公司），但须符合与本协议一致的某些要求，前提是：

- (i) 公认会计师（韩国注册注册会计师）应持有会计法人50%以上的有表决权股份或股权权益，且(ii) 任何一位在美国注册的美国注册会计师持有会计法人的有表决权股份或股权权益不得超过10%。

3. 韩国应至少维持其为履行第2段承诺所采取的措施。

就本条目而言，美国会计师事务所指根据美国法律组建且总部位于美国的会计公司或合伙企业。

Sector:	Professional Services - Foreign Certified Tax Accountants	部门:	专业服务 - 外国注册税务会计师
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Senior Management and Boards of Directors (Article 11.9) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 高级管理层和董事会（第11.9条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services and Investment</u> 1. Korea reserves the right to adopt or maintain any measures, including but not limited to: (a) restrictions on certified tax accountants or tax agency corporations registered under foreign laws hiring <i>se-mu-sa</i> (Korean-certified tax accountants) or <i>gong-in-hoe-gye-sa</i> (Korean-certified public accountants); (b) restrictions on foreign-certified tax accountants providing tax reconciliation services and tax representative services in Korea; and (c) restrictions on senior management and the board of directors of legal entities supplying certified tax accountancy services, including with respect to the chairman. 2. Notwithstanding paragraph 1, (a) No later than the date this Agreement enters into force, Korea shall allow, subject to certain requirements consistent with this Agreement: (i) the establishment of offices in Korea by U.S. certified tax accountants registered in the United States or tax agency corporations organized under the U.S. laws to provide tax consulting services with respect to U.S. or international tax laws and taxation system; and (ii) U.S. certified tax accountants registered in the United States to work in <i>se-mu-beop-in</i> (Korean tax agency corporations). (b) No later than five years after this Agreement enters into force, Korea shall allow U.S. certified tax	描述:	<u>跨境服务贸易和投资</u> 1. 韩国保留采取或维持任何措施的权利，包括但不限于： (a) 对根据外国法律注册的注册税务会计师或税务代理公司雇佣税务师（韩国认证税务会计师）或公认会计师（韩国认证注册会计师）的限制；(b) 对外国注册税务会计师在韩国提供税务协调服务和税务代表服务的限制；以及(c) 对提供注册税务会计服务的法律实体的高级管理层和董事会的限制，包括对主席的限制。 2. 尽管有第1款的规定， (a) 不迟于本协议生效之日，韩国应允许，在符合本协议的特定要求下：(i) 在美国注册的美国认证税务师或根据美国法律成立的税务代理公司在韩国设立办事处，提供与美国或国际税法及税收制度相关的税务咨询服务；以及(ii) 在美国注册的美国认证税务师在税务法人（韩国税务代理公司）工作。(b) 不迟于本协议生效后五年，韩国应允许在美国注册的美国认证税务师

accountants registered in the United States to invest in any *se-mu-beop-in* (Korean tax agency corporations), subject to certain requirements consistent with this Agreement, provided that:

- (i) *se-mu-sa* (Korean-certified tax accountants) shall own more than 50 percent of the voting shares or equity interests of the *se-mu-beop-in*; and
- (ii) any single U.S. certified tax accountant registered in the United States owns less than 10 percent of the voting shares or equity interests of the *se-mu-beop-in*.

3. Korea shall maintain, at a minimum, the measures adopted to implement its commitments in paragraph 2.

For purposes of this entry, a **U.S. tax agency corporation** means a tax agency corporation or partnership organized under U.S. law and headquartered in the United States.

在符合本协议的特定要求下，投资于任何税务法人（韩国税务代理公司），前提是：

- (i) 税务师（韩国认证税务会计师）应持有税务法人50%以上的有表决权股份或股权权益；且
- (ii) 任何一位在美国注册的美国认证税务师持有税务法人的有表决权股份或股权权益不得超过10%。

3. 韩国应至少维持其为履行第2段承诺所采取的措施。

就本条目而言，美国税务代理公司是指根据美国法律组建且总部位于美国的税务代理公司或合伙企业。

Sector:	Business Services	部门:	商业服务
Obligations Concerned:	National Treatment (Article 12.2) Local Presence (Article 12.5)	相关义务:	国民待遇（第12.2条） 当地存在（第12.5条）
Description:	<u>Cross-Border Trade in Services</u> Korea reserves the right to adopt or maintain any measure with respect to the exportation and re-exportation of controlled commodities, software, and technology. Only persons residing in Korea may apply for a license to export or re-export such commodities, software, or technology. As of the date this Agreement is signed, Korea is in the process of modifying the measures relevant to this entry. The Parties agree that they will consult after that process is completed to determine whether an amendment to this entry is necessary in light of those modifications.	描述:	<u>跨境服务贸易</u> 韩国保留对受控商品、软件和技术出口及再出口采取或维持任何措施的权利。 只有居住在韩国的人员方可申请出口或再出口此类商品、软件或技术的许可证。 截至本协议签署之日，韩国正在修改与本条目相关的措施。缔约方同意在该修改过程完成后进行协商，以根据这些修改决定是否需要对本条目进行修正。
Existing Measures:	<i>Technology Development Promotion Act</i> (Law No. 7949, April 28, 2006) <i>Atomic Energy Act</i> (Law No. 7806, December 30, 2005) <i>Foreign Trade Act</i> (Law No. 8356, April 11, 2007) <i>Announcement of the Ministry of Science and Technology</i> (April 12, 2007), No. 2007-3 <i>Announcement of the Ministry of Commerce, Industry and Energy</i> (April 12, 2007), No. 2007-51 <i>The Customs Act</i> (Law No. 8136, December 30, 2006)	现行措施:	技术开发促进法（第7949号法律，2006年4月28日） 原子能法（第7806号法律，2005年12月30日） 对外贸易法（第8356号法律，2007年4月11日） 科学技术部公告（2007年4月12日），2007年第3号 工商能源部公告（2007年4月12日），2007年第51号 《关税法》（第8136号法律，2006年12月30日）

Sector:	All Sectors	部门:	所有部门
Obligations Concerned:	National Treatment (Articles 11.3) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9)	相关义务:	国民待遇（第11.3条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条）
Description:	<u>Investment</u> Korea reserves the right to adopt or maintain any measure with respect to an investment to supply a service in the exercise of governmental authority, as that term is defined in Article 12.1.6 (Scope and Coverage), such as law enforcement and correctional services. This entry does not apply to: (a) an investor or covered investment that has entered into an agreement with Korea with respect to the supply of such services; or (b) a measure adopted or maintained by Korea to the extent that the measure is subject to Chapter Thirteen (Financial Services).	描述:	<u>投资</u> 韩国保留采取或维持任何与投资相关的措施的权利，以在行使政府职权时提供服务，该术语如第12.1.6条（范围和覆盖范围）所定义，例如执法和惩教服务。本条目不适用于： (a) 与韩国就此类服务供应达成协议的投资者或涵盖投资；或 (b) 韩国采取或维持的措施，只要该措施受第十三章（金融服务）约束。

Sector:	Transportation Services - Maritime Passenger Transportation and Maritime Cabotage	部门:	运输服务 - 海上客运和沿海航运
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Senior Management and Boards of Directors (Article 11.9) Performance Requirements (Article 11.8) Local Presence (Article 12.5)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 高级管理层和董事会（第11.9条） 业绩要求（第 11.8 条） 当地存在（第 12.5 条）
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the provision of international maritime passenger transportation services, maritime cabotage, and the operation of Korean vessels, including the following measures: A person that supplies international maritime passenger transportation services must obtain a license from the Minister of Maritime Affairs and Fisheries, which is subject to an economic needs test. Maritime cabotage is reserved for Korean vessels. Maritime cabotage includes maritime transportation between harbors located along the entire Korean peninsula and any adjacent islands. Korean vessel means: (a) a vessel owned by the Korean government, a state enterprise, or an institution established under the Ministry of Maritime Affairs and Fisheries; (b) a vessel owned by a Korean national; (c) a vessel owned by an enterprise organized under the Korean Commercial Code; (d) a vessel owned by an enterprise organized under foreign law that has its principal office in Korea and whose <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) is a Korean national. In the event there is more than one, all <i>dae-pyo-ja</i> must be Korean nationals. For greater certainty, measures relating to the landside aspects of port activities are subject to the application of Article 23.2 (Essential Security).	描述:	<u>跨境服务贸易和投资</u> 韩国保留采取或维持任何与国际海上客运服务、沿海运输权及韩国的船舶运营相关措施的权利， 包括以下措施： 提供国际海上客运运输服务的个人必须获得海洋水产部长官颁发的许可证， 该许可证需通过经济需求测试。 沿海航运权保留给韩国船舶。沿海航运包括沿朝鲜半岛全境及任何邻近岛屿港口之间的海上运输。 韩国船舶指： (a) 韩国政府、国有企业或根据海洋水产部设立的机构拥有的船舶；(b) 韩国国民拥有的船舶；(c) 根据韩国商法组建的企业拥有的船舶；(d) 根据外国法律组建的企业拥有的船舶，该企业主事务所位于韩国且其代表者（例如首席执行官、总裁或类似主要高级官员）为韩国国民。若存在多名代表者，则所有代表者均须为韩国国民。 为进一步明确，与港口活动的陆上方面相关的措施适用第23.2条（基本安全）的规定。

<i>For the following Sectors, Korea’s obligations under Article XVI of the General Agreement on Trade in Services as set out in Korea’s Schedule of Specific Commitments under the GATS(GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) are improved as described.</i>	
Sector/Subsector	Market Access Improvements
Research and Development Services :	
a. Research and development services on natural sciences	Insert new commitments with “None” for modes 1 and 2, “Unbound” for mode 3 and “Unbound except as indicated in the Horizontal Commitments section.” for mode 4
b. Research and development services on social sciences and humanities	Modify mode 1and 2 limitations from “Unbound” to “None”
c. Interdisciplinary research and development services	Insert new commitments with “None” for modes 1and 2, “Unbound” for mode 3 and “Unbound except as indicated in the Horizontal Commitments section” for mode 4
Market research and public opinion polling services	Modify mode 1and 2 limitations from “Unbound” to “None”
Services incidental to mining	Modify mode 1and 2 limitations from “Unbound” to “None”
Packaging services	Modify mode 1and 2 limitations from “Unbound” to “None”
Convention services other than Convention agency services	Insert new commitments with “None” for mode 1, 2 and 3 and “Unbound except as indicated in the Horizontal Commitments section” for mode 4

就下列部门而言，韩国在《服务贸易总协定》第十六条下的义务，如韩国在《服务贸易总协定》下的具体承诺减让表中所列，（GATS/SC/48、GATS/SC/48/Suppl.1、GATS/SC/48/Suppl.1/Rev.1、GATS/SC/48/Suppl.2、GATS/SC/48/Suppl.3和GATS/SC/48/Suppl.3/Rev.1）已按所述方式改进。	
部门/分部门	市场准入改进
研发服务：	
a. 自然科学研发服务 自然科学	插入新承诺，模式1和2为“无”，模式3为“无限制” 1和2为“无”，模式3为“无限制” 除水平承诺中另有规定外 承诺部分。”针对模式4
b. 社会科学与人文科学领域的 研发服务	将模式1和2限制从 “无限制”修改为“无”
c. 跨学科研发和 开发服务	插入新承诺，模式1和2为“无”，模式3为“无限制” 模式4为“除水平承诺部分另有规定外不受约束” 除水平承诺中列明的内容外 模式4的“承诺部分”
市场调研和公众舆论 调查服务	修改模式1和2限制从 “无限制”到“无”
采矿相关服务	修改模式1和2限制从 “无限制”改为“无”
包装服务	修改模式1和2限制从 “无限制”改为“无”
会议服务（不包括 会议代理服务	插入新承诺，模式1、2和3为“无” 除水平承诺部分另有规定外不受约束” “水平承诺部分”针对模式 4

<i>For the following Sectors, Korea’s obligations under Article XVI of the General Agreement on Trade in Services as set out in Korea’s Schedule of Specific Commitments under the GATS(GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) are improved as described.</i>	
Sector/Subsector	Market Access Improvements
Tourism and travel related services :	
a. Beverage serving services without entertainment Excluding rail and air transport related facilities in beverage serving services without entertainment	Insert new commitments with “Unbound*” for mode 1, “None” for mode 2and 3 and “Unbound except as indicated in the Horizontal Commitments section” for mode 4
b. Tour operator services	Insert new commitments with “None” for mode 1, 2 and 3 and “Unbound except as indicated in the Horizontal Commitments section” for mode 4
c. Tourist Guides Services	Modify mode 3 from “Only travel agencies are allowed to supply tourist guide services” to “None”

就以下部门而言，韩国在《服务贸易总协定》第十六条下的义务 根据韩国在《服务贸易总协定》下的具体承诺减让表所载规定 （GATS/SC/48、GATS/SC/48/Suppl.1、GATS/SC/48/Suppl.1/Rev.1、GATS/SC/48/Suppl.2、GATS/SC/48/Suppl.3及GATS/SC/48/Suppl.3/Rev.1）已按所述方式改进。	
部门/分部门	市场准入改进
旅游和旅行相关服务：	
a. 无娱乐饮料服务 娱乐 不包括铁路和航空运输相关设施在无娱乐饮料服务中没有娱乐	插入新承诺， 模式1为“不受约束*” 模式2和3为“无”， 模式4为“除水平承诺部分另有规定外不受约束” 除水平承诺中列明的内容外 模式4的“承诺部分”
b. 旅游经营者服务	插入新承诺， 模式为“无” 1、2和3以及“除水平承诺部分另有规定外不受约束” “水平承诺部分”针对模式4
c. 导游服务	将模式3从“仅旅行社可提供导游服务” 允许提供导游服务 “无”

ANNEX II
SCHEDULE OF THE UNITED STATES

美国附件二清单

Sector:	Communications
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 11.4 and 12.3)
Description:	<u>Cross-Border Services and Investment</u> The United States reserves the right to adopt or maintain any measure that accords differential treatment to persons of other countries due to application of reciprocity measures* or through international agreements involving sharing of the radio spectrum, guaranteeing market access, or national treatment with respect to the one-way satellite transmission of direct-to-home (DTH) and direct broadcasting satellite (DBS) television services and digital audio services. * In applying such a reciprocity measure, the FCC determines whether another country accords effective competitive opportunities to U.S. service suppliers. In making that determination the FCC considers whether that country accords no less favorable treatment to U.S. service suppliers than domestic service suppliers and does not limit the number of service suppliers in its market, among other factors.

部门:	通信
相关义务:	最惠国待遇（第11.4条和第12.3条）
描述:	跨境服务和投资 美国保留采取或维持任何措施的权利，这些措施因适用互惠措施*或通过涉及共享无线电频谱的国际协议，对其他国家的人给予差别处理，以确保在直接到户（DTH）和直播卫星（DBS）电视服务及数字音频服务的单向卫星传输方面提供市场准入或国民待遇。 * 在实施此类对等措施时，联邦通信委员会会评估其他国家是否向美国服务供应商提供有效的竞争机会。在评估过程中，联邦通信委员会将特别关注该国是否给予美国服务供应商不低于国内服务供应商的待遇，以及是否未限制其市场中的服务供应商数量等因素。

	Sector: Social Services		部门: 社会服务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Local Presence (Article 12.5) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 当地存在（第12.5条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条）
Description:	<u>Cross-Border Services and Investment</u> The United States reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care.	描述:	<u>跨境服务和投资</u> 美国保留采取或维持任何措施的权利，涉及提供执法和惩教服务，以及以下服务（只要这些服务是为公共目的而设立或维持的社会服务）：收入保障或保险、社会保障或保险、社会福利、公共教育、公共培训、健康和儿童保育。

Sector:	Minority Affairs	部门:	少数民族事务
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Local Presence (Article 12.5) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9)	相关义务:	国民待遇（第11.3条和第12.2条） 当地存在（第12.5条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条）
Description:	<u>Cross-Border Services and Investment</u> The United States reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities, including corporations organized under the laws of the State of Alaska in accordance with the <i>Alaska Native Claims Settlement Act</i> .	描述:	<u>跨境服务和投资</u> 美国保留采取或维持任何措施的权利，以赋予社会或经济弱势群体权利或优惠，包括根据阿拉斯加原住民土地索赔解决法案在阿拉斯加州法律下组建的公司。
Existing Measures:	<i>Alaska Native Claims Settlement Act</i> , 43 U.S.C. § 1606(f) and (h)	现行措施:	阿拉斯加原住民土地索赔解决法案，美国法典第43卷第1606(f)和(h)节

Sector:	Maritime Transportation Services and Operation of U.S.-flagged Vessels	部门:	海上运输服务及美国旗船舶运营
Obligations Concerned:	National Treatment (Articles 11.3 and 12.2) Most-Favored-Nation Treatment (Articles 11.4 and 12.3) Local Presence (Article 12.5) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9)	相关义务:	国民待遇（第11.3条和第12.2条） 最惠国待遇（第11.4条和第12.3条） 当地存在（第12.5条） 业绩要求（第11.8条） 高级管理层和董事会（第11.9条）
Description:	<u>Cross-Border Services and Investment</u> The United States reserves the right to adopt or maintain any measure relating to the provision of maritime transportation services and the operation of U.S.-flagged vessels, including the following: (a) requirements for investment in, ownership and control of, and operation of vessels and other marine structures, including drill rigs, in maritime cabotage services, including maritime cabotage services performed in the domestic offshore trades, the coastwise trades, U.S. territorial waters, waters above the continental shelf, and in the inland waterways; (b) requirements for investment in, ownership and control of, and operation of U.S.-flagged vessels in foreign trades; (c) requirements for investment in, ownership or control of, and operation of vessels engaged in fishing and related activities in U.S. territorial waters and the Exclusive Economic Zone; (d) requirements related to documenting a vessel under the U.S. flag; (e) promotional programs, including tax benefits, available for shipowners, operators, and vessels meeting certain requirements; (f) certification, licensing, and citizenship requirements for crew members on U.S.-flagged vessels; (g) manning requirements for U.S.-flagged vessels;	描述:	<u>跨境服务和投资</u> 美国保留采取或维持任何与提供海上运输服务及美国旗船舶运营相关措施的权利， 包括以下内容： (a) 对海上沿海运输服务中船舶及其他海洋结构（包括钻井平台）的投资、所有权与控制以及运营的要求， 包括在国内近海贸易、沿海贸易、美国领海、大陆架上覆水域及内河航道中提供的海上沿海运输服务； (b) 对美国旗船舶在对外贸易中的投资、所有权与控制以及运营的要求； (c) 对在美国领海及专属经济区从事捕鱼及相关活动的船舶的投资、所有权或控制以及运营的要求； (d) 与美国旗船舶登记相关的要求； (e) 为符合特定要求的船东、运营商及船舶提供的促进计划， 包括税收优惠； (f) 美国旗船舶船员的认证、许可和公民身份要求； (g) 美国旗船舶的人员配备要求；

- (h) all matters under the jurisdiction of the Federal Maritime Commission;¹
- (i) negotiation and implementation of bilateral and other international maritime agreements and understandings;
- (j) limitations on longshore work performed by crew members;
- (k) tonnage duties and light money assessments for entering U.S. waters; and
- (l) certification, licensing, and citizenship requirements for pilots performing pilotage services in U.S. territorial waters.

The following activities are not included in this reservation. However, the treatment in (b) is conditional upon obtaining comparable market access in these sectors from Korea:

- (a) vessel construction and repair; and
- (b) landside aspects of port activities, including operation and maintenance of docks; loading and unloading of vessels directly to or from land; marine cargo handling; operation and maintenance of piers; ship cleaning; stevedoring; transfer of cargo between vessels and trucks, trains, pipelines, and wharves; waterfront terminal operations; boat cleaning; canal operation; dismantling of vessels; operation of marine railways for drydocking; marine surveyors, except cargo; marine wrecking of vessels for scrap; and ship classification societies. For greater certainty, measures relating to the landside aspects of port activities are subject to the application of Article 23.2 (Essential Security).

¹ The Federal Maritime Commission (FMC) is an independent agency of the U.S. government responsible for the regulation of the U.S. foreign commerce. The FMC is authorized, by section 19 of the Merchant Marine Act of 1920, to implement countermeasures to address the practices of a foreign government that create unfavorable conditions in U.S. foreign shipping trades. The FMC also has authority, under the Foreign Shipping Practices Act of 1988, to investigate and impose countermeasures when it finds any laws, rules, regulations, etc., of foreign governments, or practices of foreign maritime service suppliers, result in conditions that adversely affect the operations of U.S. carriers in the U.S. oceanborne trade, and such conditions do not exist for foreign carriers of that country under U.S. law or as a result of U.S. maritime service suppliers.

Countermeasures available to the FMC include canceling and/or suspending tariffs and service contracts, imposing fees per voyage, instructing other U.S. agencies to deny entry or refuse clearance of a vessel at U.S. ports, and taking any other measures the Federal Maritime Commission deems appropriate to address the practices in question.

(h) 联邦海事委员会管辖范围内的所有事项；¹(i) 双边及其他国际海事协议与谅解的谈判与实施；(j) 对船员从事码头工作的限制；(k) 进入美国水域的吨位税及灯塔费评估；以及(l) 在美国领海提供引航服务的引航员的认证、许可和公民身份要求。

以下活动不包含在本保留事项中。但(b)项所述处理方式以获得韩国在这些部门对等的市场准入为前提条件：

(a) 船舶建造和修理；以及(b) 港口活动的陆上方面，包括码头的运营和维护；船舶直接与陆地之间的装卸；海运货物处理；码头的运营和维护；船舶清洁；装卸作业；船舶与卡车、火车、管道和码头之间的货物转运；滨水码头运营；船只清洁；运河运营；船舶拆解；干船坞的海洋铁路运营；除货物外的海事测量师；船舶拆解为废料；以及船级社。为更加明确，与港口活动陆上方面相关的措施受第23.2条（基本安全）的适用约束。

¹ 联邦海事委员会(FMC)是美国政府独立机构，负责监管美国对外贸易。根据《1920年商船法》第19条，FMC有权实施反制措施以应对外国政府在美国海运贸易中制造不利条件的做法。根据《1988年外国航运惯例法》，FMC还有权在发现外国政府的法律、法规、规章等或外国海运服务供应商的做法导致美国承运人在美国海运贸易中的运营受到不利影响，且该外国承运人在美国法律或美国海运服务供应商影响下不存在此类情况时，进行调查并实施反制措施。

联邦海事委员会可采取的反制措施包括取消和/或暂停关税和服务合同、征收每航次费用、指示其他美国机构拒绝船舶进入或在美国港口清关，以及采取联邦海事委员会认为适当的任何其他措施来解决相关行为。

Existing Measures:

Merchant Marine Act of 1920, §§ 19 and 27, now codified at 46 U.S.C. §§ 12101, 12120, 12132, 42101-42109, 55102, 55105-55108, 55110, 55115-55117, 55119
Jones Act Waiver Statute, 64 Stat 1120, 46 U.S.C. App., note preceding Section 1
Shipping Act of 1916, 46 U.S.C. §§ 50501, 56101, 57109
Merchant Marine Act of 1936, 46 U.S.C. App. §§ 1151 et seq., 1171 et seq., and 46 U.S.C. §§ 50111, 53301-53312, 53701-53717, 53721-53725, 53731-53735, 55304, 55305, 57101, 57104, 57301-57308
Merchant Ship Sales Act of 1946, 50 U.S.C. App. § 1738
46 U.S.C. §§ 55109, 55111, 55118, 60301, 60302, 60304-60306, 60312, 80104
46 U.S.C. §§ 12101 et seq. and 31301 et seq.
46 U.S.C. §§ 8904 and 31328(2)
Passenger Vessel Act, 46 U.S.C. § 55103
42 U.S.C. §§ 9601 et seq.; 33 U.S.C. §§ 2701 et seq.; 33 U.S.C. §§ 1251 et seq.
46 U.S.C. §§ 3301 et seq., 3701 et seq., 8103, and 12107(b)
Shipping Act of 1984, 46 U.S.C. §§ 40701-40706, 41107-41109
The Foreign Shipping Practices Act of 1988, 46 U.S.C. §§ 42301 et seq.
Merchant Marine Act, 1920, 46 U.S.C. §§ 50101 et seq.
Shipping Act of 1984, 46 U.S.C. §§ 40101 et seq.
Alaska North Slope, 104 Pub. L. 58; 109 Stat. 557
Longshore restrictions and reciprocity, 8 U.S.C. §§ 1101 et seq.
Vessel escort provisions, Section 1119 of Pub. L. 106-554, as amended
Nicholson Act, 46 U.S.C. § 55114
Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987, 46 U.S.C. § 2101 and 46 U.S.C. § 12108
43 U.S.C. § 1841
22 U.S.C. § 1980
Intercoastal Shipping Act, 46 U.S.C. App. § 843
46 U.S.C. § 9302, 46 U.S.C. § 8502; Agreement Governing the Operation of Pilotage on the Great Lakes, Exchange of Notes at Ottawa, August 23, 1978, and March 29, 1979, TIAS 9445
Magnuson Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 et seq.
19 U.S.C. § 1466
North Pacific Anadramous Stocks Convention Act of 1972, P.L. 102-587; *Oceans Act of 1992*, Title VII

现行措施:

1920年商船法，第19条和第27条，现编纂于美国法典第46卷第12101、12120、12132、42101-42109、55102、55105-55108、55110、55115-55117、55119节；琼斯法案豁免条例，第64号法令1120，美国法典第46卷附录，第1节前注；1916年航运法，美国法典第46卷第50501、56101、57109节；1936年商船法，美国法典第46卷附录第1151条及以下、1171条及以下，以及美国法典第46卷第50111、53301-53312、53701-53717、53721-53725、53731-53735、55304、55305、57101、57104、57301-57308节；1946年商船销售法，美国法典第50卷附录第1738节；美国法典第46卷第55109、55111、55118、60301、60302、60304-60306、60312、80104节；美国法典第46卷第12101条及以下和第31301条及以下；美国法典第46卷第8904和31328(2)节；客船法，美国法典第46卷第55103节；美国法典第42卷第9601条及以下；美国法典第33卷第2701条及以下；美国法典第33卷第1251条及以下；美国法典第46卷第3301条及以下、3701条及以下、8103节和12107(b)节；1984年航运法，美国法典第46卷第40701-40706、41107-41109节；1988年外国航运惯例法，美国法典第46卷第42301条及以下；1920年商船法，美国法典第46卷第50101条及以下；1984年航运法，美国法典第46卷第40101条及以下；阿拉斯加北坡，第104号公法58；第109号法令557；长shore限制和互惠，美国法典第8卷第1101条及以下；船舶护航条款，经修订的第106-554号公法第1119节；尼科尔森法案，美国法典第46卷第55114节；1987年商业渔业船舶反换旗法，美国法典第46卷第2101节和美国法典第46卷第12108节；美国法典第43卷第1841节；美国法典第22卷第1980节；沿海航运法，美国法典第46卷附录第843节；美国法典第46卷第9302节，美国法典第46卷第8502节；五大湖引航操作协议，渥太华换文，1978年8月23日和1979年3月29日，TIAS 9445；马格努森渔业保护与管理法，美国法典第16卷第1801条及以下；美国法典第19卷第1466节；1972年北太平洋溯河产卵种群公约法，第102-587号公法；1992年海洋法，第七章

Tuna Convention Act, 16 U.S.C. §§ 951 et seq.
South Pacific Tuna Act of 1988, 16 U.S.C. §§ 973 et seq.
Northern Pacific Halibut Act of 1982, 16 U.S.C. §§ 773 et seq.
Atlantic Tunas Convention Act, 16 U.S.C. §§ 971 et seq.
Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. §§ 2431 et seq.
Pacific Salmon Treaty Act of 1985, 16 U.S.C. §§ 3631 et seq.
American Fisheries Act, 46 U.S.C. § 12102(c) and 46 U.S.C. § 31322(a)

Tuna 公约法案，美国法典第16编第951条及以下 1988年南太平洋金枪鱼法案，美国法典第16编第973条及以下 1982年北太平洋大比目鱼法案，美国法典第16编第773条及以下 大西洋金枪鱼公约法案，美国法典第16编第971条及以下 1984年南极海洋生物资源公约法案，美国法典第16编第2431条及以下 1985年太平洋鲑鱼条约法案，美国法典第16编第3631条及以下 美国渔业法案，美国法典第46编第12102(c)条和美国法典第46编第31322(a)条

Sector:	All
Obligations Concerned:	Market Access (Article 12.4)
Description:	<u>Cross-Border Services</u> The United States reserves the right to adopt or maintain any measure that is not inconsistent with the United States’ obligations under Article XVI of the General Agreement on Trade in Services as set out in the U.S. Schedule of Specific Commitments under the GATS (GATS/SC/90, GATS/SC/90/Suppl.1, GATS/SC/90/Suppl.2, and GATS/SC/90/Suppl.3). For purposes of this entry only, the U.S. Schedule of Specific Commitments is modified as indicated in Appendix II-A.

部门:	All
相关义务:	市场准入（第12.4条）
描述:	<u>跨境服务</u> 美国保留采取或维持任何措施的权利，只要该措施不违背美国在《服务贸易总协定》第十六条下的义务，如美国在《服务贸易总协定》下的具体承诺减让表（GATS/SC/90、GATS/SC/90/Suppl.1、GATS/SC/90/Suppl.2和GATS/SC/90/Suppl.3）中所列。 仅就本条目而言，美国具体承诺表按附录二-A所示进行修改。

Sector:	All
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 11.4 and 12.3)
Description:	<u>Cross-Border Services and Investment</u> The United States reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement. The United States reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving: (a) aviation; (b) fisheries; or (c) maritime matters, including salvage.

部门:	All
相关义务:	最惠国待遇（第11.4条和第12.3条）
描述:	<u>跨境服务和投资</u> 美国保留采取或维持任何措施的权利，这些措施根据本协议生效日期前生效或签署的任何双边或多边国际协定对各国给予差别待遇。 美国保留采取或维持任何措施的权利，这些措施根据本协议生效日期后生效或签署的任何双边或多边国际协定对各国给予差别待遇，涉及： (a) 航空；(b) 渔业；或(c) 海事事项，包括救助。

APPENDIX II-A

For the following Sectors, U.S. obligations under Article XVI of the General Agreement on Trade in Services as set out in the U.S. Schedule of Specific Commitments under the GATS (GATS/SC/90, GATS/SC/90/Suppl.1, GATS/SC/90/Suppl.2, and GATS/SC/90/Suppl.3) are improved as described.

附录二-A

对于以下部门，美国在《服务贸易总协定》第十六条下的义务，如美国在《服务贸易总协定》下的具体承诺减让表（GATS/SC/90、GATS/SC/90/Suppl.1、GATS/SC/90/Suppl.2和GATS/SC/90/Suppl.3）中所列，将按如下所述予以改进。

Sector/Subsector	Market Access Improvements
Foreign Legal Consulting Services	Insert new commitments for the following states: Louisiana, New Mexico: No limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.” Arizona, Indiana, Massachusetts, North Carolina, Utah: No limitations modes 1-2; for mode 3 “in-state law office required,” and mode 4 “Unbound, except as indicated in the horizontal section. Additionally, an in-state law office required.” Missouri: No limitations modes 1-2; for mode 3 “Association with in-state law office required,” and mode 4 “Unbound, except as indicated in the horizontal section. Additionally, association with an in-state law office required.”
Accounting, Auditing and Bookkeeping Services	Modify mode 3 limitation as follows: Sole proprietorships or partnerships are limited to persons licensed as accountants; except in Iowa where accounting firms must incorporate Modify mode 4 limitation as follows: In addition, an in-state office must be maintained for licensure in to receive a license to perform audits in: . . .
Engineering Services Integrated Engineering Services	Replace existing description of Mode 4 with “Unbound, except as indicated in the horizontal section.”
Research and development services: R&D services on natural sciences, social sciences and humanities, and interdisciplinary R&D services, excluding R&D financed in whole or in part by public funds	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Technical testing and analysis services, other than government-mandated services or services financed in whole or in part by public funds	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Other business services, except for convention services. (Delete “Translation and interpretation services only).	Insert new commitments for all “Other business services” with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Express Delivery Services (as defined in the FTA annex)	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Sector/Subsector	Market Access Improvements
Other Delivery Services	Insert new commitments with modes 1 and 3 limited as follows: “None, except unbound for services supplied by the U.S. Postal Service in accordance with a universal service obligation as provided under domestic law ² or the Universal Postal Union Acts, no limitations on mode 2, and mode 4 “Unbound, except as indicated in the horizontal section.”
Higher Education Services (except flying instruction) ³	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”

² Under U.S. law, the universal service obligation requires the U.S. Postal Service to receive, transmit, and deliver throughout the United States written and printed matter, parcels, and like materials.

³ For transparency purposes, individual U.S. institutions maintain autonomy in admission policies, in setting tuition rates, and in the development of curricula or course content. Educational and training entities must comply with requirements of the jurisdiction in which the facility is established. In some jurisdictions, accreditation of institutions or programs may be required. Institutions maintain autonomy in selecting the jurisdiction in which they will operate, and institutions and programs maintain autonomy in choosing to meet standards set by accrediting organizations as well as to continue accredited status. Accrediting organizations maintain autonomy in setting accreditation standards. Tuition rates vary for in-state and out-of-state residents. Additionally, admissions policies include considerations of equal opportunity for students (regardless of race, ethnicity, or gender), as permitted by domestic law, as well as recognition by regional, national, and/or specialty organizations; and required standards must be met to obtain and maintain accreditation. To participate in the U.S. student loan program, foreign institutions established in the United States are subject to the same requirements as U.S. institutions.

部门/分部门	市场准入改进
外国法律咨询服务	为以下州插入新承诺： 路易斯安那州、新墨西哥州：对模式1-3和模式4“不受约束，除非在水平部分中另有说明。” 亚利桑那州、印第安纳州、马萨诸塞州、北卡罗来纳州、犹他州：无限制模式1-2；对于模式3“需要州内律师事务所”，以及模式4“不受约束，除非在水平部分中另有说明”。此外，需要州内律师事务所。” 密苏里州：无限制模式1-2；对于模式3“需要与州内律师事务所合作”，以及模式4“不受约束，除非在如水平部分所示。此外，需与一家州内律师事务所建立关联。”
会计、审计和簿记服务	修改模式3限制如下：独资企业或合伙企业仅限于持有会计师许可证的个人，爱荷华州除外，该州要求会计事务所必须为公司制。 修改模式4的限制如下：此外，必须维持一个州内办事处以获得许可证，以便在以下领域进行审计：在以下领域执行审计：
综合工程服务 综合工程服务	将模式4的现有描述替换为“无限制，除如水平部分所示。”
研发服务：自然科学领域的研发服务 社会科学与人文科学，以及跨学科 研发服务，不包括全部或部分由 公共资金	插入新承诺，对模式1-3无限制且模式4“无限制，除非在水平承诺中另有注明”章节。
技术测试和分析服务，政府机构提供的除外 授权服务或全部或部分由财政资助的服务 公共资金	为模式1-3插入新承诺且无限制 模式4 “不受约束，除非在水平章节。
其他商业服务，会议服务除外。（删除“仅限笔译和口译服务”）。	为所有“其他商业服务”插入新承诺，且模式1-3无限制，模式4“不受约束，除非在水平部分中另有说明。”
快递服务（如自由贸易协定附件所定义）	插入对模式1-3无限制的新承诺， 且模式4“不受约束，除非在水平章节。
部门/分部门	市场准入改进
其他递送服务	插入新承诺，模式1和3的限制如下：“无，除美国邮政根据国内法(v1)或万国邮政联盟规定的普遍服务义务所提供的服务无限制外 服务在普遍服务义务框架下提供，该义务由国内法 ² 或万国邮政联盟规定” 行为，模式2无限制，模式4“不受约束，除非在水平部分中另有说明。”
高等教育服务（飞行教学除外） ³	插入新承诺，模式1-3无限制，模式4“不受约束，除非在水平章节。

² 根据美国法律，普遍服务义务要求美国邮政服务在美国全境接收、传输和递送书面及印刷品、包裹及类似物品。

³ 出于透明度考虑，美国机构在招生政策、学费标准制定以及课程或课程内容开发方面保持自主权。教育和培训机构必须遵守其所在司法管辖区的规定。在某些司法管辖区，可能要求对机构或项目进行认证。机构可自主选择运营的司法管辖区，且机构和项目可自主决定是否满足认证机构设定的标准以及维持认证状态。认证机构在设定认证标准方面保持自主权。学费标准对州内居民和州外居民有所不同。此外，招生政策包括根据国内法允许的学生平等机会考量（不论种族、民族或性别），以及获得地区、国家和/或专业组织的认可；必须满足所需标准才能获得并保持认证。要参与美国学生贷款计划，在美国设立的外国机构需遵守与美国机构相同的要求。

Sector/Subsector	Market Access Improvements
Motion Picture & Video Tape Home Video Entertainment Production and Distribution Promotion or advertising services Motion picture or video tape ⁴ production services Motion picture or video tape ⁴ distribution services Other services in connection with motion pictures and video tape ⁴ production and distribution Motion Picture Projection Services Radio and Television Services Radio and Television Distribution Services Other services in connection with motion pictures and video tape ⁴ production and distribution ⁵	Insert commitments according to this revised classification with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Environmental Services Wastewater Management, excluding Water for Human Use (Wastewater services (contracted by private industry)) Solid/hazardous waste management (contracted by private industry) Refuse disposal services Sanitation and Similar Services Protection of ambient air and climate (Services to reduce exhaust gases and other emissions to improve air quality) Remediation and cleanup of soil and water (Treatment, remediation of contaminated/ polluted soil and water) Noise and vibration abatement (Noise abatement services) Protection of biodiversity and landscape (Nature and landscape protection services) Other environmental and ancillary services (Other services not classified elsewhere)	Insert commitments according to this revised classification with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Physical well-being services ⁶ ⁷	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”

⁴ For purposes of clarity, this class refers to theatrical and non-theatrical motion pictures, whether provided on fixed media or electronically.

⁵ For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.

⁶ For transparency purposes, this subsector includes physical well-being services such as delivered by, inter alia, fitness centers, spas, salons, massage (excluding therapeutic massage), and ayurvedics. This subsector does not include regulated medical services.

⁷ For greater certainty, nothing in this commitment authorizes the provision of unregulated substances or affects the ability of state authorities to regulate substances that may be affiliated with these services.

部门/分部门	市场准入改进
电影及录像带家庭视频娱乐制作与发行 推广或广告服务 电影或录像带 ⁴ 制作服务 电影或录像带 ⁴ 分销服务 与电影及录像带相关的其他服务制作与发行 ⁴ 电影放映服务 广播与电视服务 广播与电视发行服务 与电影及录像带 ⁴ 制作与发行 ⁵	根据此修订分类插入承诺，对模式1-3无限制，模式4“不受约束，除非在水平部分中另有说明。”
环境服务 废水管理, 不包括人类用水（废水服务（由私营行业承包）） 固体/危险废物管理（由私营行业承包） 垃圾处理服务 卫生及类似服务 环境空气与气候保护（减少服务废气和其它排放物以改善空气质量） 土壤和水的修复和清理（处理、受污染/污染的土壤和水的修复） 噪音和振动减少（噪音减少服务） 生物多样性和景观保护（自然与景观保护服务） 其他环境和辅助服务（其他未分类的服务）	根据此修订分类插入承诺 模式1-3和模式4“无限制，除非如水平部分中所述。”
身体健康服务 ⁶ ⁷	插入新承诺，对模式1-3和模式4“无限制，除非如水平部分中所述。”

⁴ 为明确起见，本类别所指影院电影和非影院电影，无论通过固定媒体还是电子方式提供。

⁵ 为更明确起见，此处的分销服务可包括向其他服务提供商许可电影或录像带用于展览、广播或其他传输、租赁、销售或其他用途。

⁶ 出于透明度考虑，本次部门包含身体健康服务，例如但不限于健身中心、水疗中心、沙龙、按摩（不包括治疗性按摩）以及阿育吠陀提供的服务。本次部门不包含受监管的医疗服务。

⁷ 为进一步明确，本承诺中的任何内容均不授权提供未受监管的物质，也不影响国家当局监管可能与这些服务相关的物质的能力。

Sector/Subsector	Market Access Improvements
Road freight transport	Insert new commitments for domestic transportation with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Cargo-handling services, Storage and warehouse services, and Freight transport agency services, except maritime or air transport services	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”

部门/分部门	市场准入改进
公路货运	插入新承诺，国内运输无限制，模式1-3和模式4“不受约束，除非在水平部分中另有说明。”
货物装卸服务， 仓储和仓库服务，以及 货运代理服务，除海运或空运 服务外	插入新承诺，对模式1-3无限制，且 模式4“无限制，除非如水平承诺中所示 章节。”